

FOR PUBLICATION
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

Plaintiff-Appellee,

v.

LUCE, FORWARD & HAMILTON, &
SCRIPPS,

Defendant-Appellant.

No. 00-57222

D.C. No.

CV-00-01322-FMC

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

Plaintiff-Appellant,

v.

LUCE, FORWARD & HAMILTON, &
SCRIPPS,

Defendant-Appellee.

No. 01-55321

D.C. No.

CV-00-01322-FMC

ORDER

Filed February 7, 2003

Before: Mary M. Schroeder, Chief Judge.

ORDER

Upon the vote of a majority of nonrecused regular active judges of this court,¹ it is ordered that this case be reheard by the en banc court pursuant to Circuit Rule 35-3. The three-judge panel opinion shall not be cited as precedent by or to

¹Judge Fisher was recused.

this court or any district court of the Ninth Circuit, except to the extent adopted by the en banc court.

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